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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,651	10/09/2001	Diane Irene Lynch	0095-1026.1	7379

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EXAMINER

AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,651

Applicant(s)

LYNCH ET AL.

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-27 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 3,460,299 Wilson.

In regard to claim 1: Wilson discloses the claimed invention Fig. 1, column 2, line 9-31, ceiling panel having a first layer 9 with a plurality of opening distributed throughout the layer to allow light pass therethrough, second layer 10 attached to first layer 9 by metal channel 11, second layer adapted to allow light to pass therethrough, and the first layer 9 spaced apart from the second layer 10 to create a gap between two layers 9 and 10, column 2, line 5-6, wherein at-least one of the layer is translucent, Wilson does not disclose the first layer is opaque layer. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the first layer as a opaque layer since Wilson discloses the at-least one layer is translucent which means the other layer is opaque layer in order to prevent the light from passing therethrough.

In regard to claim 10: Wilson discloses the claimed invention Fig. 1, column 2, line 9-31, ceiling panel having a first layer 9 with a plurality of opening distributed throughout the layer to allow light pass therethrough, first layer adapted to a ceiling grid 3, second layer 10 spaced apart from first layer 9, second layer adapted to allow light to pass therethrough and adapted to be connected to ceiling grids 3, column 2, line 5-6, wherein at-least one of the layer is translucent, Wilson does not disclose the first layer is opaque layer. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the first layer as a opaque

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layer since Wilson discloses the at-least one layer is translucent which means the other layer is opaque layer in order to prevent the light from passing therethrough.

In regard to claim 15: Wilson discloses the claimed invention Fig. 1, column 1, line 42-51, ceiling panel having a plurality of grid members intersecting to form a grid, column 1, line 56-60, an illuminating source 8 position above the grid 3, column 2, line 9-31, a first layer 9 with a plurality of opening distributed throughout the layer to allow light pass therethrough, a first layer 9 adapted to a ceiling grid 3, second layer 10 spaced apart from first layer 9, second layer 10 adapted to allow light to pass therethrough and adapted to be connected to ceiling grids 3, column 2, line 5-6, wherein at-least one of the layer is translucent, Wilson does not disclose the first layer is opaque layer. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the first layer as a opaque layer since Wilson discloses the at-least one layer is translucent which means the other layer is opaque layer in order to prevent the light from passing therethrough.

Claims 2-5, 11-14, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of US patent No. 3,922,073 Schwartz.

In regard to claims 2-3, 11-12, 16-17: Wilson discloses the claimed invention except the translucent layer is coated with a opaque film. Schwartz teaches Fig. 4, column 4, line 44-47, the translucent ceiling panel coated with opaque coating 19. It would have been obvious to one of ordinary skill in the art at the time of invention was made to coated the ceiling panel with opaque in order for light to reflect more strongly by coating at the top of the wall as taught by Schwartz.

In regard to claims 4, 13, 18: Wilson discloses the claimed invention except the film is laminated to translucent layer. Schwartz teaches Fig. 4, column 4, line 44-47, the translucent ceiling panel coated with opaque coating 19. It would have been obvious to one of ordinary skill in the art at the time of invention was made to laminated the film on the translucent layer in order create a long lasting coating on the layer.

In regard to claims 5, 14, 19: Wilson discloses the claimed invention except the coating including the coated and uncoated areas. Schwartz teaches Fig. 4, column 47-60, the ceiling

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panel having area 13 is coated and area 14 is uncoated which allow the light to pass therethrough. It would have been obvious to one of ordinary skill in the art at the time of invention was made to coated and uncoated the ceiling panel in order to block the light in coated area and direct the direct the light into uncoated area.

Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of US patent No. 4,941,074 DeCosse et al.

In regard to claim 26: Wilson discloses the claimed invention except the first layer and second layer are made from al polymer film which is printed form the light blocking and passable regions. Decosse teaches FIG.1, column 3, line the light box 10 having layer 11 is formed from polymer film. It would have been obvious to one of ordinary skill in the art at the time of invention was made to formed the both layers from polymer film in order produce prismatic facets which reflect the light internally as taught by Decosse.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20-23 rejected under 35 U.S.C. 102(b) as being anticiapted by 3,460,299 Wilson.

In regard to claim 20-21: Wilson discloses the claimed invention Fig. 1, column 1, line 42-51, ceiling panel having a plurality of grid members intersecting to form a grid, column 1, line 56-60, an illuminating source 8 position above the grid, column 2, line 9-31, column 2, line 27-35, a panel frame which include the channel 11 and bead 18 adapted to be connected to the grid 3, column 1, line 42-51, a first layer 9 connected to a frame panel, first layer having light

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blocking region and light passable regions distributed throughout the layer to allow light pass therethrough, second layer 10 having a light blocking regions and light passable regions allow the illuminating source 8 to pass through.

In regard to claim 21: Wilson discloses the claimed invention FIG. 1, the panel frame having a first and second channel 19.

In regard to claim 22: Wilson discloses the claimed invention FIG.1, the first layer 9 connected to the first channel 19.

In regard to claim 23: Wilson discloses the claimed invention Fig. 1, the first channel 19 having a spline S (as marked) to secure the first layer 9 to the first channel 19.

In regard to claim 24: Wilson discloses the claimed invention Fig. 1, the second layer 10 is connected to the second channel 19.

In regard to claim 25: Wilson discloses the claimed invention Fig. 1, the first channel 19 having a spline S (as marked)) to secure the first layer 9 to the first channel 19.

Allowable Subject Matter

Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fail to provided the following applicant's claim invention of opaque layer having an upwardly flange along and edge of the opaque layer.

Claims 28 allowed.

The prior art fail to provided the following applicant's claim invention of opaque layer having an upwardly flange along and edge of the opaque layer, flange having upwardly extending tabs and outwardly extending lip and translucent layer having a slot adapted to be connected with the tabs.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

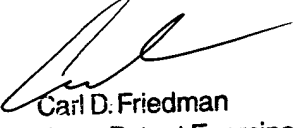
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,901,515 Chen
US Patent No. 6,209,726 B1 Gallia
US Patent No. 4,234,416 Lower et al.
US Patent No. 3,153,304 Evangelista
US Patent No. 6,467,228 B1 Wendt et la.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-872-9306. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

na 

November 18, 2003


Carl D. Friedman
Supervisory Patent Examiner
Group 3600